

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.13165 of 2006

Dated:29.06.2006

Between:

B.Reddeppa Reddy, and others.

...Petitioners

and

Employees Provident Fund Organisation,
Barkatpura, Hyderabad, Rep.by its Regional Provident Fund
Commissioner, and others.

...Respondents

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ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in issuing the auction notice, dated 16.06.2006, proposing to auction the properties belonging to petitioner No.8 for recovery of a sum of Rs.27,37,081/- towards the provident fund arrears payable under the Employees' Provident Funds and Miscellaneous Provisions Act, as arbitrary and illegal.

Under the impugned notice, the sale is scheduled to be held on 30.06.2006. It is stated that petitioners 1 to 6 have entered into an agreement of sale with petitioner No.8 for purchase of the schedule property and they have already paid a sum of Rs.20 lakhs towards part of the sale consideration, and therefore, if the properties are sold under the impugned auction notice, at this stage, they would stand to suffer irreparable loss. Petitioners 1 to 6 have also undertaken to pay the entire amount of Rs.27,37,081/- due to the respondents.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondents not to proceed with the sale under the impugned auction notice, provided petitioners 1 to 6 deposit half of the amount due by the time of auction under the impugned notice. The balance shall be paid by petitioners 1 to 6 within a period of one week from today. However, it is made clear that in case petitioners 1 to 6 commit any default in complying with the above condition, it is open to the respondents to proceed with the sale under the impugned auction notice. No order as to costs.

(G.ROHINI, J)

Dated:29.06.2006
GJ

